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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/544,147	08/02/2005	Massimo Guarducci	CIO004	5649
39232	7590	07/07/2009	EXAMINER	
Themis Law			KHAN, AMINA S	
7660 Fay Ave Ste H535			ART UNIT	
La Jolla, CA 92037			PAPER NUMBER	
			1796	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/544,147

## Applicant(s)

GUARDUCCI, MASSIMO

## Examiner

AMINA KHAN

## Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/23/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This office action is in response to applicant's amendments filed on January 23, 2009.
2. Claims 1-6 are pending. Claim 4 has been amended. Claim 6 is new.
3. Claims 1-5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Guise (US 4,121,902) for the reasons set forth in the previous office action.
4. Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Guise (US 4,121,902) in view of FR 1452591 for the reasons set forth in the previous office action.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guise (US 4,121,902).

Guise teaches treating woolen fabrics to prevent shrinking by padding wool pretreated with reducing agents such as bisulfate salts (column 10, lines 20-45) with compositions comprising emulsions of at least water insoluble organic polymer chosen from acrylic polymers, vinyl chloride polymers, vinyl acetate polymers, blocked isocyanates and silicones (column 1, lines 20-30; column 3, line 55 to column 4, line 5), PCS compounds comprising polyisocyanates (column 7, lines 25-60) and cationic starches (column 8, lines 15-25), which meets the claimed limitation of cationic fabric conditioner. Guise further teach applying the compositions with no mention of heat, which meets the limitation of 20-100°C which encompasses room temperature, and heating the treated fabric to cure (column 10, lines 30-45).

Guise does not teach the treatment temperature with bisulfite, the padding pressure or the 50% by weight treatment with respect to the weight of the fabric.

It would have been obvious to optimize the temperatures of treatment with bisulfite and percent weight treatment with the shrinkproofing composition because both would be art recognized result effective variables. Since both the bisulfite and polymer mixture are beneficial in the shrinkproofing of wool optimizing the concentration of chemicals on the fiber as well as the temperature of application would effect the overall

anti-shrinking result as temperature is known to effect diffusion rates of chemicals and the concentration of shrinkproofing agents added to fabric would effect the overall protection of the fabric. As such, without showing unexpected results, the claimed temperature cannot be considered critical.

Regarding the limitation of applying the pressure of 40-50 bar on the fabrics after impregnating, this would also be a result effective variable in that the pressure exerted would effect penetration of the shrinkproofing composition into the fabric thus influencing the overall benefit to the fabric. One of ordinary skill in the art would have been motivated to optimize the padding pressure to optimize penetration of the fabric benefit composition into the fabric for maximal shrinkproofing treatment. Nothing unobvious is seen in applying the pressure during the padding while impregnating vs. after impregnation. Changing the order of steps does not render a claimed process nonobvious over the prior art, see *Ex parte Rubin*, 128 USPQ 440, 441, 442 (POBA 1959).

8. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koenig et al. (US 3,749,553).

Koenig et al. teach treating woolen fabrics to prevent shrinking by treating wool with sulfites (column 1, lines 40-50) and acrylic acid esters and vinyl resins (column 1, lines 50-65). Koenig et al. further teach resistance to shrinkage of wool during laundering (column 1, lines 65-72). Koenig et al. further teach applying heat to treated

fabric at a temperature of 60-150°C and with 10-100% vinyl resin and 20-100% salt per weight of the wool followed by centrifugation or squeeze rolls (column 2, lines 20-65).

Koenig et al. do not teach the centrifugation or squeeze rolling pressure or separate application of the sulfite and vinyl resin.

It would have been obvious to optimize the applying pressure to 40-50 bar on the fabrics after impregnating as this would be a result effective variable in that the pressure exerted would effect penetration of the shrinkproofing composition into the fabric thus influencing the overall benefit to the fabric. Applicant's instant specification states that squeezing or basket centrifugation exerts a pressure of 40-50 bar, therefore it is expected that this claimed pressure would be met by the squeezing and centrifugation means of Koenig. Nothing unobvious is seen in simultaneously applying the sulfite and vinyl resin because both would penetrate fabric and Koenig teach that the treated wool has special improvements such as resistance to shrinkage during wool laundering. Changing the order of steps does not render a claimed process nonobvious over the prior art, see *Ex parte Rubin*, 128 USPQ 440, 441, 442 (POBA 1959).

### ***Response to Arguments***

9. Applicant's arguments filed regarding Guise alone and in view of FR 1452591 have been fully considered but they are not persuasive. The examiner argues that applicant's claims do not prohibit the inclusion of carbamoyl sulphate salt groups, therefore applicant's arguments are moot. The examiner further argues that the FR 1452591 document is not relied upon for the order of bisulfite application but rather only

to demonstrate that application of sodium bisulfite to wool at a temperature of ambient to 100°C provides wool with good handle, color stability and wool elasticity. Accordingly, the rejections are maintained.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AMINA KHAN** whose telephone number is (571)272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lorna M Douyon/  
Primary Examiner, Art Unit 1796

/Amina Khan/  
Examiner, Art Unit 1796  
July 6, 2009